

REMARKS

Claims 1-18 are pending in the application and stand rejected.

Rejection under 35 U.S.C §103

Claims 1-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,841,868 to Helbig in view of U.S. Pat. No. 6,289,462 to McNabb et al. In particular, the Examiner finds that Helbig teaches “an assessor receiving a report from, and pertaining to the trustworthiness of, a first computing device, and the assessor updating the trust policy of a second computing device in accordance with the report,” but “is silent about receiving the report from the authorized card users.” The Examiner further finds that McNabb teaches an audit trail comprised of a set of records that enables tracing events forward from original transactions to related records and reports, and backwards from records and reports to their component source transactions. The Examiner continues that “[f]or example, a user initiating a print request from a database application would initially be permitted access only to that portion of the data base that the user is permitted to view based on their role. Each row of a database table may have an extended attribute reflecting the authorization level or role that is required to view that record... In this manner, the report would determine the role of the user to determine the level of the records that may be retrieved.” The Examiner finally opines that it would have been obvious of the skilled person to “combine the teaching of McNabb into Helbig’s system in which security against unauthorized access is provided” and would have been motivated to do so “wherein to such a system having security features for enabling control over access to data retained in such a system.”

Applicants have reviewed the two references with care, paying particular attention to the passages cited by the Examiner, and are compelled to disagree with the Examiner’s understanding and characterization of these references, as well as his alleged combination of the references.

Applicants note at the outset that “[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” MPEP §2142. The Examiner’s proffered motivation for the skilled person to attempt the alleged combinations of Helbig and McNabb is, frankly, not even comprehensible. Furthermore, “wherein to such a system having security features for enabling control over access to data retained in such a system” does in no way convey where in either McNabb or Helbig the Examiner finds an express suggestion or motivation for the skilled reader of one reference to go looking at the other. If the Examiner is attempting to invoke the knowledge generally available to the skilled person, “enabling control over access to data retained in such a system” is completely baseless as in the very same sentence the Examiner acknowledges that in “Helbig’s system … security against unauthorized access is provided.” Why would the skilled person attempting to practice Helbig’s system, in which security against unauthorized access is provided, feel the need to consult another reference for enabling control over access to data retained in such a system? Applicants can discern no suggestion or motivation in Helbig that further security features may be needed in his system, and the Examiner has made no attempt at identifying any in the Action.

“Second, there must be a reasonable expectation of success… The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.” MPEP §2142. The Examiner has offered not one single detail as to how exactly the skilled person would go about combining the teachings of McNabb into the system of Helbig, and Applicants submit that doing so is in fact not possible. McNabb is directed to compartmentalized computer operating systems, and teaches process auditing within this context. Helbig, on the other hand, is directed to controlling physical access to a computer via a smart card. One has nothing to do with the other. How exactly would even a skilled person apply McNabb’s principles of applying control and access attributes to data objects on a server be applied to the system of Helbig, which simply interposes a smart card reader between a computer and its keyboard to control nothing more than the flow of input from the keyboard to the computer? Helbig teaches a way to prevent the keystrokes of a user from reaching the computer’s I/O port unless the user is authorized, and it is most certainly not immediately apparent how a skilled person would modify this system with the provision of control and access attributes to data objects for a software executing on the computer, and

Applicants thus respectfully submit that the Examiner's broad remarks fall far short of the burden imposed by the Rules and the MPEP.

"Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP §2142. Despite the Examiner's assertions to the contrary, the simple truth is that Helbig and McNabb simply do not disclose all of the claim limitations. Where, for instance, does Helbig teach an assessor, a first computing entity, and a second computing entity? Helbig teaches a computer (i.e. computing entity), a smart card reader, and a human user interacting with both. Which one of these is the assessor? The second computing entity? Furthermore, there is nothing in Helbig that could be understood to correspond to a report pertaining to the trustworthiness of a computing device. At most, Helbig teaches validating the trustworthiness of a human user – this is not the same as receiving a report from a computing device pertaining to the trustworthiness of that computing device.

The above notwithstanding, Applicants have amended the claims in an effort to make their scope clearer and thus aid the reader in more readily distinguishing the claimed invention from the teachings of the prior art. In particular, the claims now specify that the assessor is a computing entity, and that all of the computing entities (first, second, and assessor) are on a network via which the report is transmitted and the trust policies are updated. As the Examiner will appreciate, Helbig clearly does not teach anything beyond a single computing entity, nor does he make any mention of a network. Applicants thus submit that in view of all of the above and further in view of the claim amendments presented herein, the claims are novel and nonobvious over the cited art, and respectfully request the Examiner to kindly reconsider and pass all claims to issue.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

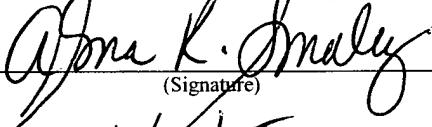
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(Date of Transmission)

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Respectfully submitted,



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